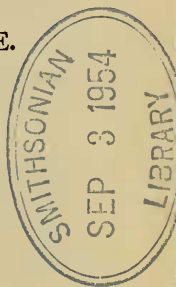


OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

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OPINION 258

Rejection for nomenclatorial purposes of the work by
Frisch (J.L.) published in 1775 under the title *Das Natur-
System der vierfüssigen Thiere*

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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OPINION 258

REJECTION FOR NOMENCLATORIAL PURPOSES OF THE WORK BY FRISCH (J.L.) PUBLISHED IN 1775 UNDER THE TITLE "DAS NATUR-SYSTEM DER VIERFÜSSIGEN THIERE"

RULING :—(1) In the work entitled *Das Natur-System der vierfüssigen Thiere* published in 1775 Frisch (J.L.) did not apply the principles of binominal nomenclature, as required by Proviso (b) to Article 25, and accordingly the above work is not available for nomenclatorial purposes.

(2) The work Frisch, 1775, *Das Natur-System der vierfüssigen Thiere* is hereby placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* as Work No. 8.

I.—THE STATEMENT OF THE CASE

The present application (Registered Number Z.N.(S.) 254) arose incidentally out of correspondence in 1944 between Mr. Francis Hemming, Secretary to the International Commission, and Dr. Wilfred H. Osgood (*Chicago Natural History Museum, Chicago, Illinois, U.S.A.*) in regard to the question of the availability of the generic name *Dama* as published by Zimmermann

in 1777 in the work entitled *Specimen Zoologiae geographicae*, for, even it had been decided that this generic name was available as from Zimmermann, 1777, it would still have been necessary to determine whether the same name as published by Frisch in 1775 in his work *Das Natur-System der vierfüssigen Thiere* was an available name and therefore possessed priority over *Dama* Zimmermann. After completing the survey¹ of the considerations relevant to the determination of the acceptability, under Proviso (b) to Article 25, of Zimmermann's *Specimen Zoologiae geographicae* which has been reproduced in *Opinion 257*, Mr. Hemming prepared a similar note in regard to Frisch's *Das Natur-System*. This note, which was dated 2nd April 1948, was as follows :—

The nomenclatorial status of the work by Frisch (J.L.) published in 1775 under the title “ Das Natur-System der vierfüssigen Thiere ”

Note by FRANCIS HEMMING

(Secretary to the International Commission on Zoological Nomenclature)

The purpose of the present note is to examine the question of the availability under the *Règles* of the work by Frisch (J.L.) published in 1775 under the title *Das Natur-System der vierfüssigen Thiere*. This work is of considerable importance to mammalogists in the sense that, if it were to be accepted, a number of generic names would date therefrom. In consequence, it is desirable that an authoritative ruling should be provided in regard to the availability of this book in order to put a stop to the opportunities for name-changing which it provides.

2. So far as the International Commission is concerned, the problem presented by the *Natur-System* of Frisch arose incidentally in 1944 in the course of correspondence between myself and Dr. Wilfred H. Osgood (*Chicago Natural History Museum, Chicago, Illinois, U.S.A.*) on the subject of the acceptability of the work by Zimmermann (A.E.W.von) published in 1777 under the title *Specimen Zoologiae geographicae*, a matter with which I was then concerned in an effort which I was making to advance the consideration of a long-outstanding application regarding the availability of the generic name *Dama* Zimmermann, 1780, the papers regarding which had been transferred to my custody in 1939 just before the outbreak of the recent war.

3. In a letter dated 12th October 1944, Dr. Osgood, after expressing his views on the subject of the availability of Zimmermann's *Specimen*

¹ See pages 234—240 of the present volume.

Zoologiae geographicae, raised the question of the availability of the work entitled *Das Natur-System* by Frisch as follows :—

The name *Dama* was used by Frisch in 1775, antedating any use by Zimmermann, but opinion seems fairly general that the names of Frisch should not be accepted. Since he was cited by Palmer (*Index*, 1904), however, his names are occasionally brought forward and a general ruling in regard to them also [i.e. in addition to the names in Zimmermann's *Specimen Zoologiae geographicae*] would seem desirable.

4. The status of Frisch's *Das Natur-System* was considered by Dr. Charles Davies Sherborn, when compiling his *Index Animalium*, and he then rejected this work as non-binominal (Sherborn, 1902, *Index Anim.* Pars prim. : xxv). Not long afterwards Dr. Sherborn lent a copy of this very rare book to Oldfield Thomas for critical study. The results of this examination were embodied in a joint paper by Oldfield Thomas and Gerrit S. Miller, Jr. in a paper published in 1905 (*Ann. Mag. nat. Hist.* (7) 16 : 461—465). The evidence so brought forward demonstrates beyond possibility of question that in the *Das Natur-System* Frisch did not apply the principles of binominal nomenclature. Thomas and Miller gave a specimen of the lay-out adopted by Frisch in this work ; this was of a semi-tabular character, the information provided being arranged in three columns on each page, the first column headed "Societas", the second, "Genus", the third, "Species". Thomas and Miller pointed out that, unlike most of the early non-binominal but so-called "binary" authors, Frisch did not even recognise consistently the need for employing a single word to denote the concept of the genus and they cited the following examples of cases where Frisch used two or more words for this purpose : *Ovis communis*; *Ovis auribus pendentibus* ; *Tragus moschatus* ; *Mus araneus* ; *Phoca ursus*.

5. During my recent visit to the United States (December 1947), I discussed this case, first at Washington, with Dr. Remington Kellogg (*United States National Museum*) and later, at Chicago with Dr. Philip Herschkovitz (*Chicago Natural History Museum*), both of whom agree that Frisch's *Das Natur-System* is not an available work and ought to be rejected.

6. In the light of the foregoing considerations, I recommend that the International Commission should give a ruling that in the work entitled *Das Natur-System der vierfüssigen Thiere* Frisch did not comply with the requirements of Proviso (b) to Article 25 and therefore that names published in this work acquired no status of availability in virtue of having been so published. It is clear that a decision in this sense is calculated to promote stability in the nomenclature of the mammals, as Frisch's names are not in general use. An authoritative ruling against the availability of his *Natur-System* should serve to put a stop to efforts to inject life into these names.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. As has been explained in the preceding paragraph, the problem dealt with in the present *Opinion* emerged incidentally in the course of an investigation into another problem (that of the availability of names published in Zimmermann's *Specimen Zoologiae geographicae* of 1777), with the result that no formal application of the ordinary type was submitted in this case. In its place there was the note dated 2nd April 1948 in which Mr. Hemming not only set out the issues involved but, in addition, gave particulars of the consultations which he had held before submitting the present case for decision.

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

3. The question of the interpretation of Proviso (b) to Article 25 was the first of the problems connected with the wording of the *Règles* to be considered by the International Commission on Zoological Nomenclature at its Paris Session in 1948. The Commission, after examining the draft Report submitted to it by the Secretary, decided to approve and adopt the recommendations so laid before it. The Commission accordingly agreed (1) to report to the Paris Congress that, in its opinion, the expression "nomenclature binaire" as used in the foregoing Proviso had the same meaning as the expression "nomenclature binominale", and (2) to recommend the substitution of the latter expression for the equivocal expression "nomenclature binaire" (Paris Session, 4th Meeting, Conclusion 3) (1950, *Bull. zool. Nomencl.* 4 : 63—66). It was in the light of the decision so taken that the International Commission considered the question of the availability of Frisch's *Das Natur-System der vierfüssigen Thiere* at the Fourteenth Meeting of its Paris Session held at the Sorbonne in the Amphithéâtre Louis-Liard on Monday, 26th July 1948 at 2030 hours. The following is an extract from the Official Record of the Proceedings of the International Commission, setting out the decision reached by it in this case at the

foregoing meeting (Paris Session, 14th Meeting, Conclusion 42) (1950, *Bull. zool. Nomencl.* 4 : 548—549) :—

THE COMMISSION agreed :—

- (1) that the book by Frisch (J.L.) published in 1775 under the title *Das Natur-System der vierfüssigen Thiere* was not available for nomenclatorial purposes under the *Règles*, Frisch not having applied therein the principles of binominal nomenclature, as prescribed by Proviso (b) to Article 25, and therefore that the names attributed to Frisch as from the foregoing work possessed no nomenclatorial status therefrom ;
- (2) to render an *Opinion* recording the decision specified in (1) above.

4. The decision taken in the present case was reported to, and approved by, the Section on Nomenclature of the Thirteenth International Congress of Zoology, Paris, 1948, at its Sixth Meeting held on Monday, 26th July 1948 (1950, *Bull. zool. Nomencl.* 5 : 118).

5. The Ruling given in the present *Opinion* was concurred in by the sixteen (16) Commissioners and Alternate Commissioners present at the Paris Session of the International Commission, namely :—

Beltrán *vice* Cabrera ; Boschma ; Bradley ; di Caporiacco ; Hemming ; Hindle *vice* Jordan ; Jorge *vice* do Amaral ; Kirby *vice* Stoll ; Lemche *vice* Dymond ; Mansour *vice* Hankó ; Metcalfe *vice* Peters ; Riley *vice* Calman ; Rode ; Spärck *vice* Mortensen ; van Straelen *vice* Richter ; Usinger *vice* Vokes.

6. The Ruling given in the present *Opinion* was dissented from by no Commissioner or Alternate Commissioner present at the Paris Session.

7. At its meeting held at Copenhagen in August 1953, the Fourteenth International Congress of Zoology decided to insert a provision in the *Règles* establishing an "Official Index" to be styled the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* and directing the insertion therein of the title of any work which the International Commission might either reject under its Plenary Powers or declare to be invalid for the purposes of zoological nomenclature (1953, *Copenhagen Decisions zool. Nomencl.* : 23—24). Since the foregoing decision applies to past, as well as to future, decisions by the International Commission in cases of this kind, the opportunity presented by the preparation of the present *Opinion* has been taken to record the insertion in the foregoing *Official Index* of the title of Frisch's *Das Natur-System der vierfüssigen Thiere* of 1775.

8. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

9. The present *Opinion* shall be known as *Opinion* Two Hundred and Fifty-Eight (258) of the International Commission on Zoological Nomenclature.

DONE in London, this Nineteenth day of December, Nineteen Hundred and Fifty-Three.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING